I. Call to Order/Roll Call

Chairman Alex Vispoli reconvened the Regular meeting of the Board of Selectmen to order at 7:09 P.M. in the Selectmen's Conference Room at the Town Offices. Present – Roll call: Chairman Vispoli and Selectmen Brian Major-Y, Mary Lyman-Y, Dan Kowalski-Y, and Paul Salafia-Y. Also present: Town Manager Reginald S. Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cable-cast live.

II. Executive Session

Chairman Vispoli called the Executive Session to order at 6:07 P.M. in the Selectmen's Conference Room at the Town Offices. On a motion by Selectman Kowalski and seconded by Selectman Salafia, the Board voted 4-0 to enter into Executive Session to discuss confidential communications with Town Counsel and Special Town Counsel for legal advice and to discuss litigation strategy which may have a detrimental effect on the Board's position if discussed in Open Session and to return to Open Session. Roll Call: A. Vispoli-Y, D. Kowalski-Y, M. Lyman-Y, and P. Salafia-Y. At 7:02 P.M. on a motion by Dan Kowalski seconded by Mary Lyman, the Board voted 5-0 to adjourn from Executive Session and move to Open Session, not to return to Executive Session. Roll call: A. Vispoli-Y, B. Major-Y, D. Kowalski-Y, M. Lyman-Y and P. Salafia-Y.

III. Opening Ceremonies

Chairman Vispoli asked for a Moment of Silence followed by the Pledge of Allegiance.

IV. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- ~ Thank you to everyone who participated in the Memorial Day Ceremonies with special recognition to Veterans Director Mike Burke and the members of the Patriotic Holiday Committee for the great work they do.
- ~ The Board of Selectmen will meet on Thursday, June 6th at 6:00 P.M. and on Monday, June 10th to discuss collective bargaining and the to review the draft agreement with the Andover Youth Foundation.

Town Clerk Larry Murphy announced that his office will remain open until 8:00 P.M. on Wednesday, June 5th, the last day to register to vote, to accommodate residents who want to register to vote in the Special Senate Election.

Paul Salafia also recognized the organizers of the Memorial Day Ceremonies and the respectful nature in which the Town honors our veterans. He stated that over 600 people participated in the Tour of Historical Homes in Andover on Saturday – it was a good day.

Selectman Lyman announced the opening of a new Thai Restaurant on Post Office Avenue in downtown Andover and said the owners are very enthusiastic about being in Andover. She

also echoed the sentiments of the Town Manager and Selectman Salafia on the success of the Memorial Day Ceremonies and commended Mike Burke and the Holiday Committee.

Selectman Kowalski reported that the Audit Committee met last week and the scheduled audit minutes will be available soon. He said he recently had the opportunity to utilize the outdoor seating area at the Memorial Hall Library. It was an enjoyable experience and the space is servicing more than just Library patrons – congratulations to the Design Committee.

Selectman Vispoli congratulated the Andover High School Graduating Class of 2013.

V. Citizens Petitions & Presentations

Robert Pokress, Cherrywood Circle, said he had three requests of the Board: 1) Instruct the Town Manager to post his plan to address the OPEB liability on the Town's website; 2) Consider making moderate changes on how to better organize and manage the Town Meeting – maybe moving it to a Saturday, suspending all Town activities during Town Meeting, randomize the order of warrant articles, establish a Citizen Committee to talk to Town residents about improvements to Town Meeting and provide these recommendations to the Board and 3) Urged the Board to vote against the water/sewer rate increase proposed by the Town Manager.

John Pasquale, 47B Whittier Street, said he is still waiting to hear information on the Town Yard and recommends strategic thinking and development of a cohesive plan by November. Chairman Vispoli said the Board will be discussing Town Yard after the policy meetings.

Donal Coleman, High Street, stated improvements are needed at the intersection of High Street and Elm Square and the High Street/Harding Street/Wolcott Avenue area to reduce the traffic problems and ensure the safety of pedestrians.

Mary Carbone, 3 Cyr Circle, said the Director of Planning is already preparing to bring the Town Yard issue back to the Board and she feels this is inappropriate.

VI. Public Hearing

A. <u>Storage of Inflammable License – Raytheon Company</u>

Selectman Lyman motioned to approve the request of Raytheon Company, 350 Lowell Street, Andover, for permission to amend their present Storage of Inflammables License at their Andover sites to increase Class II #2 fuel oil storage of approximately 15,000 gallons and a reduction in other flammable products for a total decrease in flammable materials as follows:

Total aboveground storage of 40,000 cu, 500 lbs. and 50,430 gallons of flammable materials as follows: 30,000 gallons Class II, #2 fuel oil; 40,000 cu ft. hydrogen gas; 330 gallons of hydraulic oil; 100 gallons of propane gas; 500 lbs. pyrophoric gases and 20,000 misc. flammable liquids, solids and gases. The request has been reviewed and approved by the Fire Chief and Town Clerk subject to the condition that all other requirements of the Town are met prior to the issuance of the amended license. The motion was seconded by Selectman Salafia and voted 5-

0 to approve.

VII. Water & Sewer Commissioners

On a motion by Selectman Major and seconded by Selectman Lyman, the Board moved to adjourn as Selectmen to act as Water & Sewer Commissioners. Roll call: A. Vispoli-Y, B. Major-Y, M. Lyman-Y, D. Kowalski-Y, and P. Salafia-Y.

A. Water & Sewer Rate Increase – Second Reading

The Town Manager distributed a handout on the proposed Annual Rate Setting Schedule for the Water and Sewer Enterprise Funds and also distributed a handout on the major cost drivers of both operations. The water manufacturing facility meets the high standards set by the DEP and services over 50,000 people on any given day. There is approximately 250 miles of in-ground water infrastructure and 150 miles of sewer infrastructure to maintain. The plant has the capacity to pump 17M gallons of water per day which includes water for North Reading. The Water/Sewer rate model appears on page 39-40 of the 2013 Finance Committee Book and reflects the 8% increase for sewer and 2.5% increase for water. The request for rate increases will assist with maintaining reserves at 20% which is used to maintain the infrastructure and address emergency situations. A presentation on the rate increase was provided in April and included in the CIP proposal and recommended budget. He addressed the issue of changes in the notification process and will prepare a more formalized presentation for the Water/Sewer Commissioners to fully understand. Chairman Vispoli requested a stand-alone presentation in late Summer or early Fall.

Selectman Salafia inquired about the cost of emergency breaks and the need to maintain a high reserve. Acting DPW Director Chris Cronin said one break in a main could cost anywhere from \$5K-\$20K and there are several each year, large breaks cost much more. The Town Manager said they strive to maintain 20% in reserves to cover emergencies for large projects to avoid borrowing. Selectman Kowalski would like to see a ten year CIP proposal and include less of the North Reading usage.

The main expense driver of the Sewer Enterprise is the Greater Lawrence Sanitation Distribution Assessment. The increase would help to maintain 20% in reserves and making the system self-sufficient on rates; with a less than 8% increase they would be drawing down on reserves. They will begin the task of examining a tiered water rate structure for water and sewer next year.

John Pasquale, 47B Whittier Street, asked what amount of money would have to come out of the operating budget if the rate increase is not passed. The Town Manager said they would have to use \$280,000 from the Operating Budget.

Richard Howe, 3 Robandy Road, said a tiered-water rate was suggested four or five years ago and encourages the Board to advance as quickly as possible in this direction.

Selectman Major motioned the Water & Sewer Commissioners adopt a 2.5% increase in the water rate to a rate of \$2.99. The motion was seconded by Selectman Lyman and voted 3-2 to not approve – Paul Salafia, Dan Kowalski and Alex Vispoli voted in the negative – Brian Major and Mary Lyman voted to approve. The motion failed.

Selectman Major motioned the Water & Sewer Commissioners adopt a rate increase of 8% for sewer increasing the rate from \$3.21 to \$3.41. The motion was seconded by Selectman Lyman and vote 4-1 to approve. Alex Vispoli opposed. The motion passed.

Selectman Major motioned the Water & Sewer Commissioners adopt a 1% Water rate increase for FY-14 and in addition take \$153,730 from reserves to cover remaining costs. The motion was seconded by Selectman Lyman and voted 3-2 to approve – Alex Vispoli and Paul Salafia voted in the negative. The motion passed.

On a motion by Selectman Major and seconded by Seelctman Kowalski, the Board voted 5-0 to adjourn as Water & Sewer Commissioners and to return as Selectmen to Open Session.

VIII. Regular Business of the Board

A. <u>197 Andover Street</u>

On a motion by Selectmen Lyman and seconded by Selectman Major, the Board voted to 4-1 to accept and sign a Deed to Conservation land and a pedestrian easement for access at 197 Andover Street.

B. <u>High Plain Road Reconstruction Easements</u>

On a motion by Selectman Lyman and seconded by Selectman Salafia, the Board voted 4-0 to accept and sign the necessary easements for 239, 243 and 247 High Plain Road for the reconstruction of High Plain Road at Fish Brook to allow for the additional area needed for drain construction and a sidewalk. Selectman Major recused himself from voting.

C. South Street Solar, LLC Open Space Deed

On a motion by Selectman Salafia and seconded by Selectman Lyman the Board voted 5-0 to move the approval of the South Street Solar, LLC Open Space Deed to Thursday, June 6th contingent upon the successful vote of the Conservation Commission.

D. Conflict of Interest Disclosure

Per MGL, Chapter 268A, Section 19 Conflict of Interest Disclosure, the Board moved as follows: Selectman Major moved that as appointing officials and as required by Massachusetts General Laws Chapter 268A, Section 19, they have reviewed the particular matter and the financial interest identified by the Town Manager and the Town's contracting officer in the "Disclosure by a Non-Elected Municipal Employee of Financial Interest and Determination by Appointing Authority". We have determined that the financial interest is not so substantial as to be deemed likely to affect the integrity of the services which the municipality (the Town of Andover) may except from the employee (the Town Manager and the Town's contracting officer) and hereby authorize the Chairman of the Board of Selectmen to sign the MGL

Chapter 268A, Section 19 Disclosure form on behalf of the Board of Selectmen. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

E. <u>Disposal of Surplus Property</u>

On a motion by Selectman Major and seconded by Selectman Salafia, the Board voted 5-0 to approve the request from Paul Szymanski, Assistant Superintendent for Finance and Administration for the disposal of surplus property (outdated textbooks).

F. Selectmen's Policies

Due to sufficient time to hold a proper discussion, the Board will move this item to the June 6th agenda.

G. Future Meeting Dates

The Board agreed to the following future meeting dates: June 6th, 10th, 17th, and 19th; July 1st, and 15th; and August 5th and 19th.

IX. Consent Agenda

A. Appointments and Re-Appointments

Selectman Major motioned that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE EI	FF. DATE
COMMUNITY SERVICES			
Andrea L. Grieco	Counselor – PT	C2A/\$8.00/hr.	6/3/13
Courtney Grygiel	Counselor – PT	C2A/\$8.00/hr.	6/3/13
Kevin Baroni	Counselor – PT	C2A/\$8.00/hr.	6/3/13

The motion was seconded by Selectman Lyman and voted 5-0 to approve.

X. Approval of Minutes from Previous Meetings

Selectman Kowalski motioned to approve the Regular meeting minutes of October 15, 2012 and May 20 2013 as presented and the Special meeting minutes of May 6, 2013 and May 7, 2013 with revisions and to hold on approving the Regular meeting minutes of April 8, 2013. The motion was seconded by Selectman Lyman and voted 5-0 to approve.

XI. Adjournment

At 9:40 P.M. on a motion by Selectman Salafia and seconded by Selectman Major, the Board unanimously voted to adjourn.

Respectfully submitted, Dee DeLorenzo, Recorder Documents: Water and Sewer Handouts

Public Hearing Notice for Storage of Inflammables license for Raytheon

Email from Robert Douglas, Director of Conservation, and Confirmatory

Quitclaim Deed and Grant of Easement for 197 Andover Street

Memo from Town Engineer Brian Moore regarding High Plain Road Easements Letter from Johnson & Borenstein, LLC Attorneys at Law regarding South Street

Solar, LLC.

Surplus Textbook/Supply Inventory Form for disposal of outdated textbooks

Conflict of Interest Memorandum from Town Manager